

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *[Signature]* D.C.
05 MAY 11 PM 4:34

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT CARPENTER,

Defendant.

X
X
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X
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X
X
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X
X
X

Cv. No. 02-3005-M1
Cr. No. 99-20155-M1

ROBERT L. JACOLIO
CLERK, U.S. DIST. CT.
W.D. OF TN. MEMPHIS

ORDER REITERATING DENIAL OF CERTIFICATE OF APPEALABILITY
AND
CERTIFICATION THAT APPEAL IS NOT TAKEN IN GOOD FAITH

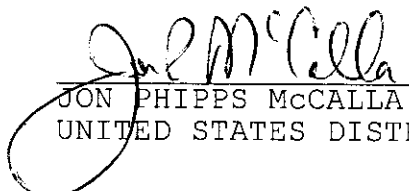
Defendant Robert Carpenter, inmate registration number 298702, an inmate at the Turney Center Industrial Prison and Farm ("TCIPF") in Only, Tennessee, filed a pro se motion under 28 U.S.C. § 2255, seeking to set aside his convictions for carjacking and murder in violation 18 U.S.C. §§ 2119 & 2; using and carrying a firearm during and in relation to a crime of violence in violation of 18 U.S.C. § 924(c)(12)(a)(ii); and killing a potential federal witness in violation of 18 U.S. C. § 1512(a). By order entered September 1, 2004, this Court denied Carpenter's motion, denied a certificate of appealability, and certified pursuant to Rule 24 of the Federal Rules of Appellate Procedure that an appeal would not be taken in good faith.

On November 1, 2004, Carpenter filed a motion for a certificate of appealability and motion to proceed in forma pauperis with the Sixth Circuit Court of Appeals. The Court of Appeals forwarded the

motions to this Court with the direction to treat the motions as defendant's notice of appeal filed on November 1, 2004.

For the reasons expressed in the order of dismissal, the Court reiterates its previous holding denying a certificate of appealability and certifying any appeal as not taken in good faith. Pursuant to Fed. R. App. P. 22(b) and 24(5), Carpenter must make any further requests for a certificate of appealability or motion to proceed on appeal in forma pauperis to the Sixth Circuit Court of Appeals.

IT IS SO ORDERED this 11 day of ~~APR~~^{MAY}, 2005.


JON PHIPPS McCALLA
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 11 in case 2:02-CV-03005 was distributed by fax, mail, or direct printing on May 13, 2005 to the parties listed.

Robert Lewis Carpenter
Turney Center Industrial Prison
298702
Route 1
Only, TN 37140--970

Honorable Jon McCalla
US DISTRICT COURT